PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Michael J. Powell et al.
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For	:	TRANSITION STATE ANALOGS
Group Art Unit	:	1652
Examiner	:	C. Patterson

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August 2, 2000
Date of Signature

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

A five-month petition for an extension of time accompanies this Response to the Office Action mailed February 3, 2000 and due March 3, 2000.

In the Office Action mailed February 3, 2000, a Restriction Requirement under 35 U.S.C. § 121 has been imposed requiring election of one of four groups of claims:

I. Claims 26-32, drawn to a boron-containing hapten and immunogen classified in Class 530, subclass 323;

II. Claims 33 and 34, drawn to a phosphorus containing hapten, classified in Class 530, subclass 323;

III. Claims 36, 39, 42, 45 and 48, drawn to catalytic antibody to the hapten of claim 26, a method of making and a method of use, classified in Class 435, subclass 188.5;

IV. Claims 37, 40, 43, 46 and 49, drawn to catalytic antibody to the hapten of claim 33, a method of making and a method of use, classified in Class 435, subclass 188.5.

The Office Action alleges that the inventions are distinct, each from the other because Inventions I and II are mutually exclusive products. Inventions III and IV are mutually exclusive products and processes.

Election is made, with traverse, to prosecute the invention identified in the Office Action as Group III, claims 36, 39, 42, 45 and 48.

The requirement for restriction is traversed for various reasons.

First, Group I should be included with Group III because all the Group III claims relate to catalytic antibodies against Group I haptens/immunogens and methods of their preparation. Therefore, the haptens/immunogens of Group I contribute automatically to the subject matter of the claims of Group III. Indeed, all the claims of Group III recite a catalytic antibody elicited by an antigen comprising the hapten of the Group I claim 26, so a complete novelty search of the invention of claims 36, 39, 42, 45 and 48 (Group III) would require a search of the invention of

claims 26-32 (Group I). Therefore, combining Groups I and III should not impose additional hardship on the examiner and would result in a properly thorough search.

Second, a search of Groups III and IV, both classified in Class 435, subclass 188.5, is coextensive so that search of both groups can be made at the same time.. Under MPEP § 803, "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent and distinct inventions."

Third, the constitutional purpose of the United States patent system would be promoted by permitting applicants the opportunity to describe and claim all aspects of their invention, regardless of separate statutory classes, in the same application for patent.

The Examiner also contends that the claims are generic to a plurality of disclosed species. The Applicants are required under 35 U.S.C. § 121 to elect a single disclosed species for R_1, R_2, X, Y, V and Z. Accordingly, Applicants elect, with traverse, the following:

V is oxygen

Z is oxygen

X is NH

Y is carboxyl

R_1 and R_2 are a side chain of a naturally occurring amino acid.

Reconsideration of the requirement for restriction is respectfully requested.

Please charge any additional fees or credit any overpayment to deposit account number 50-0297. A duplicate copy of this communication is enclosed therefor.

Respectfully submitted,

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